



REPUBLIC OF KENYA



**In re MANSK (Subject) (Petition of Appeal E001 of 2026)
[2026] KEHC 1398 (KLR) (11 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1398 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
PETITION OF APPEAL E001 OF 2026
AK NDUNG’U, J
FEBRUARY 11, 2026
IN THE MATTER OF MENTAL HEALTH ACT CAP 248
AND
IN RE MANSK (SUBJECT) PETITION APPEAL NO.E001 OF 2026
NEUTRAL CITATION**

IN THE MATTER OF

AWK PETITIONER

JUDGMENT

1. By way of a Petition dated 8/1/26, AWK, (the petitioner) , moved this court for orders;
 - a. That the Petitioner AWK be appointed Guardian and Manager of the estate of the subject MANSK in respect of the following:
 - i. Manage the subject’s health care;
 - ii. Have access and operate the Subject’s Bank Account;
 - iii. Execute documents on behalf of Subject.
 - b. That the petitioner be authorized with special permission pursuant to Section 27(1) (a) f the Act to enter into, access, subdivide, sell, transfer and/or otherwise dispose of and all instruments and documentation in favor of and on behalf of the Subject and to effect such sale, subdivision transfer and/or disposal in relation to the properties and assets registered in the name of MANSK.
 - c. That the cost of this petition be provided for.
 1. The Petition is based on grounds that:-



1. That the Petitioner is the wife to one MANSK (Subject) who is currently suffering from dementia.
 2. That the subject's mental and physical condition was noted to have drastically deteriorated on account of him suffering from dementia, and upon medical examination, it was determined that the subject's cognitive functions, particularly in the domain of memory, language, and exercise of executive function, were impaired to the extent that he had become bedridden.
 3. That Petitioner, who is his wife and primary caregiver now applies for guardianship enable her handle the Subject's affairs including payment of the subject's continued medical and home nursing care, maintenance and daily upkeep and manage his estate.
3. The petition is verified by the affidavit of the Petitioner sworn on even date in which it is deponed that she is the wife of MANSK (Subject).
 4. That she is seeking to be appointed as Guardian of her husband's affairs and manager of his estate and that on or around the year 2020, the subject's mental and physical condition was noted to have drastically deteriorated on account of his suffering from dementia, and upon medical examination, it was determined that the subject's cognitive functions, particularly in the domain of memory, language, and exercise of executive function, were impaired to the extent that he has become bedridden. She produces a medical report in evidence.
 5. She adds that the subject consequently requires specialized care and assistance and care to perform routine/normal day to day functions and he is currently under her care.
 6. That the subject is not able to manage his own affairs and perform activities of daily living such as bathing, grooming, toileting and even feeding himself.
 7. That an order of guardianship will enable the her handle the subject's affairs including payment of subject continued medical and home nursing care, maintenance and daily upkeep and manage his estate.
 8. That their children JNK, JNK, TMK and VNK have supported the decision and have no objection that to the her being granted guardianship of their father who is her husband.
 9. I have had occasion to consider the Petition, the affidavit evidence and documentation produced. Of determination is whether the Applicant has achieved the threshold for the grant of a guardianship order.
 10. Section 26(1) of the *Mental Health Act* empowers the Court, upon inquiry and being satisfied that a person is suffering from mental disorder and is incapable of managing his or her affairs, to make orders:
 - a. For the management of the estate of such person; and
 - b. For the guardianship of the person of such individual.
 11. The guiding consideration in such applications is the best interests of the person suffering from mental disorder as well as the protection of their dignity, welfare, and property.
 12. Having considered the application, the supporting affidavits, the uncontroverted medical evidence, and the unanimous consent of all the children of the subject, I am satisfied
 - a. The subject is a person suffering from mental disorder.



- b. He is incapable of managing his personal and financial affairs and
 - c. It is in her best interests that a guardian and manager be appointed.
13. The applicant has demonstrated a close filial relationship with the subject and enjoys the confidence and support of all the children of the subject who are also her children.
14. In the premises, the Court makes the following orders:
- a. A declaration is hereby issued that MANSK is a person suffering from mental disorder and is incapable of managing her personal affairs and estate.
 - b. AWK, the applicant herein, is hereby appointed as the guardian of the person of MANSK pursuant to Section 26 of the *Mental Health Act*.
 - c. AWK, is further appointed as the manager of the estate of MANSK with authority to manage, protect, and apply the estate solely for the benefit and welfare of the subject.
 - d. The guardian/manager shall act in the best interests of the subject and shall not dispose of any immovable property without prior leave of the Court.

DATED SIGNED AND DELIVERED VIRTUALLY THIS 11TH DAY OF FEBRUARY, 2026.

A.K. NDUNG’U

JUDGE

